

**MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
REGIONAL GOVERNANCE TASK FORCE AND  
GOVERNANCE ADVISORY COMMITTEE JOINT MEETING**

August 23, 2001  
MAG Office, Saguaro Room  
Phoenix, Arizona

**GOVERNANCE TASK FORCE MEMBERS ATTENDING**

Mayor Skip Rimsza, Phoenix, Chairman	Mayor Keno Hawker, Mesa
* Mayor Ron Drake, Avondale	Tom Martinsen, Paradise Valley
* Mayor Roy Delgado, El Mirage	Mayor Wendy Feldman-Kerr, Queen Creek
Ed Beasley, Glendale	Jan Dolan, Scottsdale
Stephen Cleveland, Goodyear	Bill Pupo, Surprise
Mayor J. Woodfin Thomas, Litchfield Park	

**GOVERNANCE ADVISORY COMMITTEE MEMBERS ATTENDING**

* Representative Carolyn Allen, Arizona House	Representative Deb Gullett, Arizona House
Roc Arnett, State Transportation Board	Ivan Johnson, Cox Communications
Bill Beyer, Citizens Transportation Oversight Committee	* Valerie Manning, Greater Phoenix Chamber of Commerce
Supervisor Jan Brewer, Maricopa County	Diane McCarthy, WESTMARC
Representative Meg Burton Cahill, Arizona House	Kevin Olson, Governor's Transportation Vision 21 Task Force
* Senator Ed Cirillo, Arizona State Senate	* Mary Peters, ADOT
* Mayor Doug Coleman, Apache Junction	Supervisor Sandie Smith, Pinal County
Representative Dean Cooley, Arizona House	Mayor Chuck Walton, Casa Grande

\*Not present.

1. **Call to Order**

The joint meeting of the Regional Governance Task Force and the Governance Advisory Committee was called to order by Chairman Skip Rimsza at 11:45 a.m. Self introductions followed.

2. **Approval of July 26 and August 2, 2001 Meeting Minutes**

Mayor J. Woodfin Thomas moved to approve the minutes of the July 26 and August 2, 2001 meetings. Stephen S. Cleveland seconded, and the motion carried unanimously.

3. **Roles and Responsibilities of MAG**

John Parr stated that MAG's roles and responsibilities would be discussed. Mr. Parr stated that the issues that we are struggling with and the things that need to be dealt with differently in the Valley would be discussed. Mr. Parr stated that around the West, governance is being played out in different

ways, such as the mile high compact in Denver, which will take a governmental agreement and turn it into legislation.

Mr. Parr stated that in San Diego, they are recommending to the Legislature that a new structure be established of directly elected representatives who will serve on a regional commission. He stated that there is a wide range of governance structures that include voluntary to more mandated type solutions. Mr. Parr asked for discussion on the issues and problems we need to deal with.

Supervisor Sandie Smith stated that a better understanding of the roles and responsibilities of cities and counties and the differences between Maricopa/Pinal counties are needed. Not all issues stop at the county line. Supervisor Smith stated that land splits and other issues are creating difficulties. Supervisor Smith commented on being united in the land split issue.

Chairman Rimsza stated that historically, cities were geographically separate. County development was not contiguous to city borders. He noted that jurisdictions are now annexed up to each other's borders. Chairman Rimsza stated that our customers don't know or care what side of the line they're on, and shouldn't have to. We are no longer separate, but all one mass. Chairman Rimsza commented on better positioning ourselves to understand the common airshed. He stated that the most critical issue to him is transportation. Chairman Rimsza stated that the state sales tax is expiring soon and the last thing this region wants is to stop investing in transportation.

Mayor Thomas commented on legislation attempted with Growing Smarter legislation. Legislation needs to establish an overlay of how growth will be managed.

Jan Dolan stated that if we don't do it ourselves, it will be done to us, as in San Diego. The state legislature needs to be involved in our process, but cities need to define what we want to be without mandates. She noted that the City of San Diego has mandated that they come up with regional governance or it will be done for them. We need to do it ourselves and move ahead.

Mayor Thomas stated that cities need to deal with the impacts of County decisions. He indicated that he would like to have the County at the table. Mayor Thomas stated that if the belief is that there is a benefit to regional governance and cooperation, then the questions of who and under what circumstances those players can be brought together need to be answered.

Supervisor Smith expressed her respect for the legislature, however, local agencies need to take care of problems on a regional level. The legislature should take care of the bigger picture. We need to get a handle on the state laws that allow things to happen. Supervisor Smith referred to land splits, where people are using the law to their advantage, which creates problems for the county. The cities absorb those impacts. She stated that in Pinal County, development is paying into regional funds for development of a regional transportation plan. Supervisor Smith stated that she would like this body to include Pinal County so they will be aware of potential impacts to their county from outside their borders. She indicated that counties are aware that what they do causes impacts to cities. Supervisor Smith stated that Pinal County has strengthened the air quality laws for three miles on the border with Maricopa County. Supervisor Smith stated that she is honored that Pinal County was invited to sit at this table.

Roc Arnett stated that it seems there is an organizational problem, especially in transportation, when money comes from a source other than the Regional Council. He stated that individual cities have their

own transit taxes. It is fragmented to the point where it is not creating the synergy necessary to do a master transportation program plan. The money needs to be in the same pot for centralized distribution to buses, light rail, Dial-a-Ride, freeways, county roads, etc. This is needed to be effective over the next 25 years.

Ed Beasley stated part of what is done from a regional perspective is to assess what cities are doing and what they need to do before taking on anything else. MAG needs to help cities with assessing their services. An examination of governance is needed to retain credibility and confidence. That assessment of organization needs to happen before anything else.

Mayor Thomas expressed his support for the City of Buckeye plans, because they protect Luke Air Force Base.

Representative Dean Cooley stated his perception as a legislator serving under Jerry Overton. He stated that he has tried to be open minded and understanding of the issues, but perceives a fragmentation in this region with each municipality doing its own thing. In regional government, all need to come together. Representative Cooley explained that in Mesa there are county islands where people can't get Dial-a-Ride, etc. That situation should not happen. Representative Cooley stated that he was not sure MAG doesn't need to go to a one person, one vote type of procedure. That is the proper procedure for state government, according to the courts. Representative Cooley indicated that may need to happen as governance issues are reviewed.

Chairman Rimsza stated that the perfect system may be what Representative Cooley described. What we have evolved to is Tempe and Phoenix have individual taxes for transit. He commented that the regional vote failed. MAG realizes that they cannot tell cities to throw their individual tax dollars into one pot. Through its established structure, MAG has done very well. It built the freeway system and will build a light rail system. Chairman Rimsza stated that the perfect model cannot always be applied. He commented on the representation that MAG has added recently, including another ADOT representative and Apache Junction. Chairman Rimsza commented that MAG ensures plans are coordinated as best as possible, such as the TIP. There are funds that cities control. There are systems in place that can't be changed. Chairman Rimsza commented on working within the system so the customer never sees that line. MAG has done a very good job.

Representative Cooley stated that it sounded like status quo, not changing governance. The issue is creating a regional structure instead of these fragmented programs. There has to be a balance between a new governance that moves toward the future and not cities doing their own thing.

Chairman Rimsza stated his agreement with working on a new governance, but don't destroy the existing structure. He mentioned that the Regional Council had voted to study the governance issue. He said that we have to realize that we aren't coming with a blank sheet of paper. Cities and communities have their own resources. Small towns are never going to have the resources to fund systems. Let's see how we get there, improving coordination, supporting cities that don't have resources. Provide assistance to cities that don't have the financial strength to build the system. Representative Cooley stated that he was just expressing there has to be a balance. We can move forward with a different approach.

Mr. Parr asked how do we do an incremental process? Mr. Cleveland used the fire department as an example. He compared this to how you get fire districts to agree to fight a fire next door. Mutual aid agreements are created. Mr. Cleveland stated that there are multiple services that ignore city boundaries. If city boundaries are ignored, how do you deliver the best roads, jobs, support system and amenities that make people want to come here? Starting at that level, you rise above the parochial nature. What will the services be and the elements? All need to be in the planning model. Now, structurally, how do you all plan together? Are we talking structure or process? Is our process best? Examination of the process is looking at how infrastructure is built and the planning tools needed to build. How is that information fed up from the bottom and down from the top? Financing, then structure need examination. Visionwide, what do we want to look like? Mayor Thomas commented that MAG gives smaller communities the opportunity to participate.

Mr. Parr asked how can the transportation planning process be done differently to be more effective. Supervisor Smith stated that all need to start talking to each other about projects and potential impacts. Communication needs to go between departments at the state, as well. Mr. Arnett commented that the state is communicating better now than five years ago. There doesn't seem to be a common place where all are brought together for air quality and transportation. There needs to be some type of structure to avoid problems.

Diane McCarthy stated that a lack of coordination caused the Vision 21 Task Force to make recommendations to look at the coordination of streets. She commented that there is disagreement about the model, but lacking any other model, this was the solution the Task Force came up with to try to get that coordination. She indicated that the Task Force recommends tying land use to transportation, which hadn't been done before. Ms. McCarthy stated that better coordination is needed.

Chairman Rimsza stated that the practical, applicable solution to get voter support of an extension of the half cent sales tax is to get everyone comfortable with taking the next step in terms of structure. He indicated that it is better to work together with changes to the existing structure. Chairman Rimsza stated that he has not opposed adding membership on the Regional Council. He explained how all projects must come through the MAG TIP. Even the governor can't order a project done without bringing it through the TIP. Regulations state that the MPO must approve the TIP. Chairman Rimsza stated that the only city required to create an MPO is the City of Phoenix. Phoenix doesn't want to do that, nor get its way using weighted voting. Chairman Rimsza indicated that he wants product for the customers. He commented that trying to work with the existing structure is better than starting WWII. There are many problems associated with the mechanics in creating a separate body for Roads of Regional Significance. Chairman Rimsza stated that Phoenix has a Norad computer center that controls any intersection light in the city of Phoenix. The center is a huge asset. Are you going to take it away? No, because the City of Phoenix paid for it. Chairman Rimsza stated that it would be a waste to reconstruct this facility elsewhere. Try to figure out the problems and fix them with changes to the existing system.

Ms. Dolan stated that when people start getting uncomfortable is when they have to give up local control. She stated that Scottsdale has a traffic timing room. Signal timing can be changed as staff sees traffic snags, accidents, special events, etc. How much are we willing to give up or share what is in our community? Are we going to want to give up the width of our streets so that we're told we must widen them to accommodate regional traffic, when it has an impact on our neighborhoods?

Chairman Rimsza stated that changes need to be done slowly, and accomplished by adding to MAG. His city generally tries to respond to changes. In the end, congestion is resolved. He commented on looking at things that are happening, then try to shift and be responsive.

Mr. Beasley stated that a product is needed. He expressed his concern for further delay. He agreed that having a grid system is helpful. But until roads are built to capacity, people can't be moved. Enough roads can't be built to accommodate all of the people. Leaders have an obligation to get them there. There is a mechanism and opportunity if business is looked at differently.

Mayor Wendy Feldman-Kerr stated that adding business representation to the board needs to be discussed. She stated that she has not yet heard how a regional transportation authority would work better. Why can't we expand on what we already have? What do we expect to happen and how do we get to that point? What is the end result we want? If we do an overlay or public facilities district, then the level of service we want can be identified. Decide where we want to be then decide how to get there.

Mr. Parr requested that staff to look at these ideas and come back to the task force with options on approaches.

Supervisor Smith stated that Pinal County has no vote on the MAG board. She commented on money Pinal County received to conduct the study around the Apache Junction area. CAAG is where Pinal County has voting power. Supervisor Smith expressed concern about how they will have a voice with a new authority. She commented that it is scary for an agency that does not have voting power to be given direction by another agency.

Mayor Keno Hawker stated that we can't get to an outcome because we don't like the solution. Some want all master plans to be coordinated and reviewed. Monetary penalties might be required. Mayor Hawker stated that it could be difficult to get local control to coordinate. Cities do not want their plans reviewed by someone else.

Representative Deb Gullett stated that responsibilities, Vision 21, and tax issues would be examined at the next legislative session. She expressed her commendation to MAG for conducting this process and encouraged continuation. She indicated that it is a challenge. Representative Gullett stated that this is a healthy process and should continue aggressively. She stated she would not be an advocate for what happened in San Diego.

Mayor Thomas commented on the accountability problems encountered by the Tourism and Sports Authority (TSA). If constituents don't like a mayor's actions, there is direct recourse. This is not the case with the TSA or Vision 21 Task Force. There needs to be a link to the voters. Mayor Thomas stated that ADOT has indicated their goal is to get people out of cars. They're tired of building parking lots. He stated that the light rail system is part of this process, bridging some of the planning issues across boundaries.

Mr. Arnett stated that he was unaware of parking lot comments from ADOT. However, there is a bottleneck study underway to look at fixing problems on freeway systems. Mr. Arnett asked if it would be appropriate for this group to suggest that staff to look at organizational structure. He stated that although he is not an elected official, but an appointed one, he tries to be responsible and responsive.

Mr. Arnett suggested a two tiered body. The first tier would be a global group, like MAG Regional Council, that would be broadened to include citizens, ADOT, CTOC, two to three members from Pinal County, Westmarc, and East Valley Partnership. Key business leaders, such as schools and utilities, are needed to become a general overlying group. The second tier would be a broadened executive, operating committee. This executive committee would consist of 7-11 people that would run the day-to-day business. Mr. Arnett stated that it could be easier to get things done with a smaller group. He requested that staff come back with recommendations on duties you could give to each tier. Mr. Arnett stated that MAG owes a lot of gratitude to the non-elected community, which helped win approval for the acceleration of the freeway acceleration with the legislature. Non-electeds play an important role in this process.

Mayor Feldman-Kerr stated that, because MAG encompasses more than transportation, final voting be retained with elected officials, although have another level with others involved. A town hall type discussion could get more individuals involved.

Representative Gullett expressed that Mr. Arnett's solution could be workable. She expressed that non-voting representation could be perceived as lip service. Air quality and growth management, beyond transportation, should be included.

Chairman Rimsza requested that staff pursue examination of one seat on the Executive Committee assigned to the business community. He mentioned the possibility of rotation. Chairman Rimsza commented on making this organization bigger, but still being efficient.

Supervisor Smith asked if the extended groups would be represented on MAG committees other than the Regional Council. Chairman Rimsza explained that the business community currently has representation on some MAG committees. Ms. McCarthy stated that adding representation from educational interests would be appropriate.

Mr. Cleveland stated that approximately half of the representatives on the Air Quality Technical Advisory Committee are from the business community/non-governmental interests.

Mayor Thomas stated his appreciation for non-elected membership, which is a value. He stated that, as a mayor, he represents business as well as citizens. Mayor Thomas stated that if a business person sits on the committee, then they would get two votes, because they've already elected the official, which is one vote.

Ivan Johnson stated that there should be a vote for the corporate side because they are asked to support issues, such as the sales tax. They need to have a voice. To be a real player, you need to be at the table. Mr. Johnson stated that it is important to be on committees. If you're only at the top, and not at the bottom, it's only window dressing.

Mr. Beasley stated that he would like staff to give a recommendation not only on voting but on funding. He stated that cities are ultimately responsible for how growth is handled.

Ms. Dolan commented on moving too quickly in changing the structure of the group, instead of deciding what we want to do and the authority we want to have. If people understand the authority,

then they might feel comfortable with a different structure. She stated that questions about structure and what we have authority over need to be answered.

Mr. Beyer stated that many have said that the real issue is the extension of the half cent sales tax. He commented on the need to be credible with the legislature as a regional planning agency that rises above the parochial system of mayors making decisions. If MAG is seen as parochial, then the sales tax extension will be affected.

Ms. Dolan stated that the business people, the press, the legislature, and the people have to be convinced this is a good structure and the money will be well spent. If there are people they can hold accountable, their own elected officials, they will be more supportive. If they think they are giving this authority away to someone not accountable, they aren't going to be supportive.

Chairman Rimsza stated that just changing the structure won't solve the problems. We need to give the voters a very specific construction plan, what is going to be built and when. This creates some problems with being locked into building projects that may not be as necessary in the future as when the vote took place. Some things change in the process. A map with cash-flow contingency, and a very specific proposal, as was done with Transit 2000, will get voter support. Chairman Rimsza stated the public will not again allow what happened with the TSA.

Representative Gullett stated that taking the public component of the town hall type meeting on the road and then to the legislature is important.

Mr. Johnson stated that he was interested in staff examining tying land use and transportation and bringing back options. He expressed concern with Anthem-type developments.

Mr. Olson stated that he was not persuaded that the Task Force and Advisory Committee are moving in the right direction. This could be perceived as a whitewash. He commented that telling voters what will be built in 18 years, when there will be so many changes, is not believable. Instead, a structure is needed that will show voters they can have confidence that the best system will be built. Mr. Olson stated that some projects could be selected, but the list would have to be so conservative voters would be concerned. There could be so many that it would not be believable. He indicated that the focus needs to be on a decision making body that people will have confidence in. The issue should be creating an agency with accountability.

Chairman Rimsza stated that ADOT and local agencies committing their own funds was not a part of the plan. His vision is that the commitment to the voters will be for the half cent sales tax funds. Chairman Rimsza stated that non-half cent tax funds would leave an increment of freedom in case of need.

Mr. Olson commented on the possibility of asking for only a 10-year tax extension. The public should only be asked to pay for what we know can be built. He stated that a system that serves the people is needed, a governing body that will make sensible decisions.

Chairman Rimsza stated that the days of trusting governing bodies are gone. A specific plan is needed.

Mr. Olson stated that in general, people don't have confidence in MAG. Accountability is the problem. Mr. Olson expressed that he has been pleased to work with MAG. MAG has been responsive and willing to work with him. Mr. Olson stated that a governing body is needed that will create a healthy tension between cities and MAG, instead of MAG being in the pockets of the cities. Mr. Olson stated that people have confidence in their cities. People know they can make a difference in their cities. They don't know that about MAG. Mr. Olson stated that he did not think there was a way MAG can persuade people that MAG has that accountability. It will require statesmanship from cities to cut MAG free to make decisions the cities don't necessarily want made. A healthy tension is necessary. Mr. Olson expressed that MAG should have authority over land use as well as transportation issues. Maybe not veto power. Mr. Olson indicated that the problem is we don't have a regional body with regional authority. That is why there are problems, such as Anthem.

Chairman Rimsza brought up that fact that Anthem was built by Maricopa County, a regional body with regional authority. The County Board is very similar in structure to the one being proposed by the Vision 21 Task Force. That's exactly how Anthem got built. Each representative focuses on what happens in his own district. Mr. Olson explained that he was not advocating the County be the structure, because he was aware of their problems.

Mr. Parr asked members to look briefly at what would happen if the region had a regional adequate public facility ordinance.

James M. Bourey stated that the concept of regional public facilities is that adequate facilities would be available concurrent with the impacts of development, so that they support development. Public facility types affected by development include transportation, open space, wastewater, and water. Mr. Bourey explained the process for evaluating impacts. Local government staff would submit development proposals with regional impact to MAG staff for their evaluation. MAG staff would evaluate whether adequate regional public facilities would exist at the standards set by the Regional Council. Local government would use this analysis in their decision making process. Mr. Bourey explained that the Regional Council would establish the appropriate level of service for each facility type. MAG staff would develop modeling protocol for assessing available capacity based on existing levels of service and assumptions on approved, but not yet constructed, development.

Mr. Parr asked for members' reaction to the concept. Mr. Cleveland stated that he liked the concept. He suggested taking the concept and applying it to Anthem. Should they have been required to build 2-4 additional lanes of traffic? Should they have had to add to fire substations, jails, etc.? Mr. Cleveland indicated that this does not go far enough toward addressing impacts. The developers will say they will pay for another car. But it's not just one car, one body. It's 24 hours a day, 7 days a week, 365 days a year of personnel, plus a station. It is upfront money that did not occur through the normal process. A functional change with true teeth and authority is needed for land use and transportation. Communities need to be able to stand tall.

Mr. Bourey stated that he was hearing that the committee wanted a comprehensive list of facility types to be more inclusive and an analysis beyond capacity issues. If developers want to build, they will have to provide "x." Mr. Cleveland stated that the Dial-a-Ride system, for example, would have to be provided to that community so people could get to services. Then that would be weighted in a public setting. Mr. Bourey stated that this was conceived as a step that would help the local decision making process. The regional analysis would be brought back to the local level, not to be done at a



separate level, but for utilization in making a decision. Mr. Cleveland requested that the local level review be publicly discussed. Mr. Bourey stated that this was done as a process for projects that are regionally significant. He indicated that the infrastructure is not in place to handle 13 million people projected to be in the region.

Mr. Beyer mentioned the Ground Water Management Act of 1980. He stated that the legislature sent up a very comprehensive regional structure that goes beyond county boundaries. Mr. Beyer requested seeing what MAG is proposing concerning this Act.

Mayor Hawker stated that the definition of size, what makes it a major project, is needed. Mayor Thomas stated that there currently is coordination with the Ground Water Management Act.

Mr. Beasley stated that a lot of these are under growing smarter that need to be implemented anyway. Each city could look at it individually. If a private developer is told, this is the impact and this is the cost, a lot of credibility is needed, because this cuts into their profit. If the city wants to do something, they should have the flexibility.

Supervisor Smith stated that in Pinal County, a small percentage of area is within cities. If only organized subdivisions within cities are addressed, there could be problems, such as land splits.

4. Geographic Extent of the Region

This agenda item was not considered.

Mr. Parr stated that the next meetings are September 6, 2001, separately. Tying land use and transportation will be one of the items discussed.

There being no further business, the meeting adjourned at 1:30 p.m.

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Chairman

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Secretary